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June 10, 2011

Via Facsimile to (609) 989-0435

Hon. Tonianne J. Bongiovanni, U.S.M.J.
United States District Court
District Court of New Jersey
402 East State Street
Courtroom 6 East
Trenton, New Jersey 08608

R E C E I V E D

Re: DeGennaro v. Rally Manufacturing Inc., et al.
Civil Action No.: 09-443 (JAP)
Our File No.: 348-1014

JUN 10 2011

AT 8:30 _____ M
WILLIAM T. WALSH
CLERK

Dear Judge Bongiovanni:

This firm represents defendants Rally Manufacturing, Inc. and Pep Boys—Manny Moe & Jack of Delaware, Inc. We write to request a brief extension to file defendants' summary judgment motion.

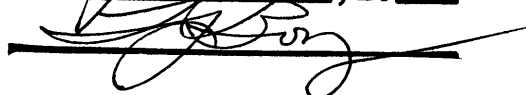
During the May 17, 2011 telephone conference we advised Your Honor that defendants would file their summary judgment motion by today, June 10, 2011. Due to unforeseen circumstances, the partner handling the case is unexpectedly detained in Texas and is unable to return to New York today. Therefore, we request a brief two week extension to June 24, 2011 to file defendants' motion. We have attempted to contact plaintiff to obtain his consent, but have not been able to speak with him.

Discovery is complete and defendants have provided plaintiff with the court ordered Certification regarding pre-marketing testing and similar prior incidents. Furthermore, no trial date has been scheduled. We respectfully submit that this brief two week adjournment will not prejudice plaintiff.

We appreciate Your Honor's time and attention to this matter.

Respectfully submitted,

So Ordered this 10 day
of June, 2011



ORDER ON ORAL MOTION



Margot Wilensky
Haworth Coleman & Gerstman, LLC